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Certificate of Accuracy

Translation of “Expert's Scientific Legal Opinion” for “Emir Onur Cilek” from “Turkish” to “English.”

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Brian Kaldenberg

President and Founder, TranslationPal LLC

November 05, 2018

[Logo: Estanbul Adworks
Visual Content and Communication Services]

June 29, 2018

To Istanbul Anadolu 3rd Criminal Court

File No: 2013/152

Regarding the conviction in case number 2013/152 of your court, the defendant Emir Onur Çilek has made a request to our company to form an Expert's Scientific Legal Opinion of this footage and has provided us with elevator security camera records converted from VHS to MP4 format, investigation notes of the Aventura Police Department, images from the day of the incident (from the case file) showing the outfits of the defendant and the victim, the previous Expert's Report, and the application for retrial document. Here are the results of our review with attachments.

We transferred the images, and the digital copy was converted to MP4 format with H264 codec in 720x544 at a rate of 29.97 fps. In our country, usual the fps rate used in videos is 25 fps, and this difference is not a hindrance to inspecting the video. For this reason, regular movements of the individuals are perceived as a little faster.

In the elevator security camera footage box number 2 at 15:02:38 (EK 1-A), we could see that the victim enters the elevator alone by herself and another female after her, followed by a male, and then another female. It was understood that they used the elevator as 4 people in total. The victim leaves the elevator alone at 15:03:03 (EK 1-B). During this trip the elevator does not stop on any floors, makes a direct travel, and this trip has a duration of 10 seconds and 13 frames. The other 3 people stay in the elevator after the victim leaves. There are not any others who look like her, especially by the characteristics of the victim's outfit and purse it is easy to distinguish her from the others using the elevator.

In the same elevator security camera footage box number 4 at 15:52:53 (EK 1-C), it was seen that the victim and the defendant enter the elevator together to go down. In both pieces of footage where the elevator goes up and down, we can see that the victim has the same outfit, same purse, and the same hairstyle. These are some additional points we used to crosscheck. The victim enters the elevator, followed by the defendant. They

go down in the elevator together with no one else present. It is observed that the defendant holds two bags in both hands, and at 15:53:01 (EK 1-D) the victim holds the defendant's head by his ears, pulls him towards herself, and kisses him.

At 15:53:15 (EK 1-E), we could see that the victim moves towards the defendant for a second time and kisses him on his lips again. At 15:53:29 (EK 1-F) we see that first the victim and then the defendant leave the elevator. The elevator does not stop on any floors, makes a direct travel, and this trip has a duration of 10 seconds and 13 frames. This is an additional crosscheck point.

As a result of our review, we see that the previous transcription of this video made by the Istanbul Police Department Crime Lab Photo-Video Division, dated October 19, 2006, on which the latest Supreme Court ruling relies, is CONTRARY to our findings. In contrast with the previous report, it is clear that the victim enters the elevator alone at 15:02:38, that she uses the elevator with 3 other individuals who enter the elevator after her, that the victim and the defendant enter the elevator again at 15:52:53, and that they use the elevator together. Timestamps where the victim uses the elevator (boxes 2 and 4) also match with the Aventura Police Department investigation notes in which the victim was identified, and the timestamps and boxes were listed. Some of the crosscheck points we have used are the matching clothing, hairstyle, and purse from images of the victim and the defendant on the day of the incident and the matching 10-second- and 13-frame-long duration of elevator use in both incidents with no stops. According to these findings and visuals, it is clear that the person who enters the elevator alone at 15:02:38 is the victim.

Should your court deem it necessary, definition quality of the original video tapes in your court's evidence archive can be enhanced and improved for a clearer definition by institutes such as TUBITAK (The Scientific and Technological Research Council of Turkey) or the Istanbul Police Department Crime Lab Photo-Video Division.

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